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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,042	06/24/2003	Erh-Kun Lai	9265-US-PA	1041
31561	7590	01/07/2005	EXAMINER	
JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE			KENNEDY, JENNIFER M	
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ROOSEVELT ROAD, SECTION 2				
TAIPEI, 100			2812	
TAIWAN				

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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10,604,042

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

20050105

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Commissioner for Patents

The amendment filed on October 26, 2004 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the currently amended claims are directed to a first stack line of FACF or FCAF (where F is a first type conductivity, other letters defined by applicant) and a second stack line of SACS or SCAS (where S is a second type conductivity), whereas the embodiment in the claims elected by original presentation are directed to a first stack line of CAFSC or CSFAC crossing over a second line of CASFC or CFSAC. The examiner notes that the number of layers as well of the order of the type of layers are different in the two embodiments.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE. Newly submitted claims 25-41 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: see explanation above. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. See 37 CFR 1.142(b) and MPEP § 821.03.

Jennifer M. Kennedy
Patent Examiner
Art Unit: 2812